



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/822,709 03/21/97 WALKER

J

005514 LM02/0623
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3801

EXAMINER

SAYADIAN, H

ART UNIT

PAPER NUMBER

2766

DATE MAILED:

06/23/99

06/23/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/822,709

Applicant(s)

WALKER et al.

Examiner

Hrayr A. Sayadian

Group Art Unit

2766

☒ Responsive to communication(s) filed on Aug 17, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 49-61 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 49-61 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

OBJECTIONS/REJECTIONS NOT BASED ON PRIOR ART

DISCLOSURE: Drawings

1. This application has been filed with informal drawings, which are acceptable for examination purposes only. See draftsman's comments on form PTO-948. Formal drawings will be required when the application is allowed.

REJECTIONS BASED ON PRIOR ART

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the bases for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of relevant part of 35 U.S.C. § 103 that forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 49-57 and 60-61 are rejected under 35 U.S.C. § 102(b) as being anticipated by any of Novak or Golightly.

Novak teaches all of the limitations of the claims. See, e.g., Figs. 1 and 6. Fig. 1 shows the central lottery computer along with the integration of the lotto pick stand and the check stand. Fig. 6 shows the of the merchandise information along with the lotto

information and printing the combined information on a receipt (see, e.g., the box at the lower right corner). See also lines 21-22 of column 4 explaining the printing of the lotto information on a merchandise receipt. With respect to claims 60 and 61, authentication of a winning lotto ticket is performed through scanning the bar code originally generated (and encoding the lotto information), decoding it (decrypting it) and confirming the information obtained from the decoded bar code with the printed lotto information.

Golightly teaches all of the limitations of the claims. See, e.g., Figs. 1 and 3-5. Fig. 1 shows the integration of the POS and the lottery transaction system. Figs. 3 and 5 show the receipt showing merchandise and lottery information. Element 40 of Fig. 5 shows the computer and element 52 shows the printer printing the receipt showing the merchandise and lottery information.

5. Claims 58 and 59 are, furthermore, rejected under 35 U.S.C. § 103 as being unpatentable over Novak further in view of what is well known.

Examiner takes official notice that it is well known to sell fractional lotto shares (rather than a full share). To make the lotto purchasing more popular by making the price of a lotto a customer choice (e.g., by making fractional values available and thereafter enable customers with limited resources to purchase lotto), therefore, it would have been obvious to modify the teachings of Novak by making available fractional lotto.

TIME PERIOD FOR RESPONSE

6. A shortened statutory period for response to this action is set to expire **THREE MONTHS** from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). See 37 C.F.R. § 1.136 for extension of Time Period for Response.

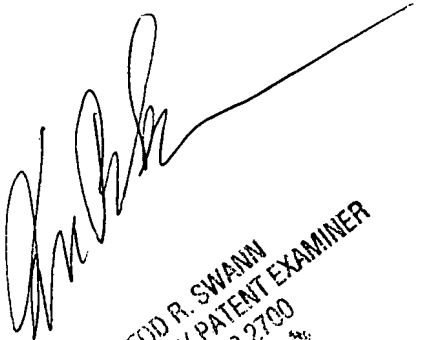
INFORMATION ON HOW TO CONTACT THE USPTO

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Hrayr A. Sayadian whose telephone number is (703) 306-4169. The examiner can normally be reached on Monday through Friday, from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Gail Hayes, can be reached on (703) 305-9711. The fax phone number for Technology Center 2700 is (703) 308-9051 or 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 305-3800 or 305-4700.

Hrayr A. Sayadian
6-21-1999


TODD R. SWANN
SUPERVISORY PATENT EXAMINER
GROUP 2700